

CHAPTER 17. STREETS AND SIDEWALKS.

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¹ Chapter 17 is amended by the addition of Article 7. (Ord. 1604, eff., 4-17-99)

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⁵ Chapter 17, Article 7 is amended by the addition of Section 17-70. (Ord. 1607, eff., 5/15/99)

CHAPTER 17. STREETS AND SIDEWALKS.

ARTICLE 1. IN GENERAL.

Section 17-1. Street names - Reference to map and plat.

The several streets, avenues and public places in the City shall be known and designated by names applied thereto on the map and plat of the City located in the City Clerk's office, as well as the maps and plats of the several additions by the City lawfully accepted, and on file with the City Clerk. (Code 1958, Sec. 25-1.)

Cross reference: As to prohibition against altering street names, see Section 17-28.

Section 17-2. Street names to be placed on corners.

The names of all streets or avenues shall be placed on the street or avenue corners. (Code 1958, Sec. 25-2.)

Section 17-3. Sprinkling sidewalks before sweeping.

It shall be unlawful for the owner or occupant of any premises to sweep or clean or cause to be swept or cleaned the street sidewalks in front of the premises owned or occupied by him/her unless the same shall have first been sprinkled sufficiently to lay the dust and dirt to prevent the raising and scattering of the dust and dirt collected thereon. (Code 1958, Sec. 25-3.)

Section 17-4. Shaking or cleaning rugs in street or sidewalks prohibited.

It is unlawful for the owner or occupant of any premises to sweep, clean or shake, or cause to be swept, cleaned or shaken, upon any street sidewalk any rugs, carpets or other like articles. (Code 1958, Sec. 25-4.)

Section 17-5. Placing obstructions on streets; consent required; limitation.

No person shall be granted permission to place or keep any building material in any street, alley or other public place for a longer period than thirty (30) days unless expressly authorized by the Council.

Section 17-6. Obstruction to gutters prohibited.

It shall be unlawful for any person to place any obstruction in a gutter or ditch at the side of any street for the purpose of carrying off water from such street, or to fill in or deposit earth, sand, gravel or other substance in such gutter or ditch at the point of entrance into a driveway from the street or elsewhere. (Code 1958, Sec. 25-7.)

Section 17-7. Openings on sidewalk; disrepair of sidewalks.

It shall be unlawful for any person to leave or keep any cellar door, pit or vault or other subterraneous opening on any sidewalk, street or alley, or suffer the same when in or under his/her charge to be left or kept open or to be in an insecure condition so that passersby may be in danger of falling into any such place, or suffer any sidewalk in front of any premises owned or occupied by him/her to become so broken as to endanger life or limb or so out of repair as to cause water to collect and remain in pools thereon.

Section 17-8. Merchandise on sidewalks; passageway; time limitation.

It shall be unlawful for any person to place or keep or suffer to be placed or kept, upon any sidewalk any goods, wares or merchandise which he/she may be receiving or delivering without leaving a passageway clear upon such sidewalk of six feet (6') wide for the use of foot passengers, and no person receiving and delivering such goods shall suffer the same to be or remain upon such sidewalk for a longer period than three (3) hours. (Code 1958, Sec. 25-9.)

Section 17-9. Property owner to keep sidewalks cleaned.

Every owner of real property shall keep clean or cause to be kept clean the sidewalk or sidewalk areas in front of or lying along his/her property and shall remove or cause to be removed therefrom all earth, ashes, weeds, trash, refuse and rubbish of all kinds. (Code 1958, Sec. 25-13.)

Section 17-10. Property owner to remove snow and ice from sidewalks.

Every owner of real property shall within four (4) hours (from 5:00 p.m. to 7:00 a.m., excepted) after any fall of snow, cause the same and any ice which may have formed, to be removed from the sidewalk in front of or lying along his/her property into the carriageway of the street, and in so doing, shall not interfere with water running in the gutter, with the passage of vehicles more than can be avoided, or to obstruct any street crossing. (Code 1958, Sec. 25-14.)

Section 17-11. Slippery sidewalks; City not liable.

When it is not practicable to remove all the snow and ice from any sidewalk by reason of its being frozen then the owner of the real property shall sprinkle and spread or cause to be sprinkled and spread upon the sidewalk, ashes, salt or some suitable material to prevent such sidewalk from being slippery. The failure of any owner of real property to do so shall not render the City liable to any person for damages on account of injuries upon such sidewalk, in any manner different than if the City had not required such owner to clean or sprinkle such walk. (Code 1958, Sec. 25-15.)

Section 17-12. Work done by City; assessment of costs.

If any owner of real property shall fail, neglect, or refuse to comply with the provisions of Sections 17-9, 17-10 and 17-11, the City may at once proceed to remove from such owner's real property and from the alley in the rear thereof and from the sidewalk and sidewalk area in front of or lying along such owner's real property all weeds, brush, ashes, manure, refuse, trash and rubbish of all kinds and

may at once proceed to remove all snow, ice, earth and mud from the sidewalk in front of or lying along such owner's real property. Such work shall be done, under the direction and supervision of the Superintendent of Streets and Bridges, by employees or agents of the City or by contract. The City may assess the cost and expense of such work against each lot or tract of real property, upon and for the benefit of which such work was done. The cost of such work, together with five percent (5%) for the inspection and other costs, shall be assessed, levied and collected in the same manner as provided by ordinance for assessing, collecting and certifying sidewalk assessment. The assessment, if not paid, shall be certified by the City Clerk to the County Treasurer or to the officer of the County having custody of the tax list at the time of such certification, together with a ten percent (10%) penalty thereon for collection. The amount of such assessment shall constitute a lien against the real property described in such assessment. (Code 1958, Sec. 25-16.)

Section 17-13. Installation of underground structures; plat and data to be filed.

All persons occupying or using any of the streets or alleys, or any part thereof, underground, with water mains, gas mains, or any other kind of main pipes or conduits for wires or in any other manner occupying any part or any of the streets or alleys by franchise or otherwise, with any of the aforesaid things beneath the surface of any such streets or alleys, shall, within ten (10) days after the completion thereof, file in the office of the City Engineer for the use of his/her office, a plat and data showing as nearly as such persons can practicably show, the location and dimensions of all such underground structures so used by them. Such plats and data shall be certified to by such person, or by some office of such company, as being practically correct. (Code 1958, Sec. 25-17.)

Section 17-14. Plats - Contents.

All plats mentioned in Section 17-13 shall show the location thereof in reference to the side lines of the street or alley in which the same is located and the depth of the same below the surface of the ground; they shall also show the dimensions and kind or size of pipe or conduit or other construction used. (Code 1958, Sec. 25-18.)

Section 17-15. Line for poles on streets.

(1) The established line for poles and posts of whatever nature upon all residence streets platted over eighty feet (80') in width, shall be nineteen feet (19') from the center line of such street measured at right angles each way.

(2) The established line for poles and posts of whatever nature upon all residence streets platted from forty (40) to and including eighty feet (80') shall be sixteen and one half feet (16 ½') from the center line of such streets, measured at right angles each way.

(3) Upon all other residence streets not specified in (1) and (2) and upon all business streets, all poles or posts of whatever nature shall be put on line next to the curb between the property line and the curb.

(4) All poles and posts of whatever nature will be distant at least three feet (3') from any water main or service pipe, sewer pipe or lateral that may be upon that street. (Code 1958, Sec. 25-19.)

Section 17-16. Operating tractors on pavement.

It shall be unlawful for any person to operate over, across or upon any pavement of whatever kind, any tractor, road-grader or other machine or vehicle of such construction that the metal parts thereof come into contact with the surface of the pavement, or which has caterpillar traction construction, or the wheels equipped with cleats, spikes or any other gripping device, which tractor, road-grader or other machine or vehicle in the course of locomotion breaks, cuts into, indents, leaves an imprint in, mars or defaces, in any manner or to any degree, the surface of such pavement; provided, however, if such road-grader, machine or other vehicle is propelled or moved over planks or other runways in such manner as to prevent defacement of the pavement, then it shall be lawful to operate such tractor, road-grader or other machine or vehicle over the pavement. (Code 1958, Sec. 25-20.)

Section 17-17. Oil on pavement - Pouring or spilling prohibited.

It shall be unlawful for any person to pour, spill or permit to be poured or spilled, or to drip or flow upon, or to deposit or place in any receptacle upon any asphalt or bituminous macadam paving on any street or alley or public place, any kerosene, benzoin, gasoline, lubricating oil or other similar oil or oily substance, or salt or salt water, except as the same may be the ordinary and natural drip from vehicles and their axles, bearings and equipment when the same are carefully handled and operated. (Code 1958, Sec. 25-21.)

Section 17-18. Oil on pavement, oil delivery and tanks.

All oil delivery wagons or tanks shall have securely fastened under the taps or faucets thereunto attached, water-tight boxes or trays, and in handling the contents of such wagons or tanks no drip or overflow shall be permitted to fall upon such paving, and no receptacle for handling such contents shall be placed on such paving. (Code 1958, Sec. 25-22.)

Section 17-19. Water connections in proposed paving districts.

All property and places in areas proposed to be paved, where, in the opinion of the City Council, water service connections or sewer connections are likely to be needed, the owner of such property, shall be required to install water service pipes and sewer connections, from the trunk or main lines in such streets proposed to be paved to the curb line of such property. If such owner refuses to install such water and sewer lines within thirty (30) days after notice thereof from the City Council, or its authorized agent, such notice to be addressed to last known address of such owner, then the City shall make such installation and charge the same against the property, such charge to become a lien upon such property. (Code 1958, Sec. 25-23.)

Cross reference: As to provision requiring connection with sewer system, see Section 12-46.

ARTICLE 2. NUMBERING BUILDINGS.

Section 17-20. Owners and occupants to number buildings.

Owners and occupants of all buildings shall number the buildings in the manner prescribed in this Article and as may be provided by the City Council. (Code 1958, Sec. 25-24.)

Section 17-21. Manner of numbering.

The following is adopted and declared the manner and mode of numbering of houses in the City:

Main street, and any and all extensions thereof that may hereafter be made, shall be the division street, dividing the City into north and south sections, and the parts of each street intersecting such division street shall be designated as north or south according as the parts of such intersecting streets shall be north or south of Main Street; and Commercial Street, from its southern terminus throughout to its connection with Arizona Avenue and thence with Arizona Avenue north, and any and all extensions of Commercial Street south or of Arizona Avenue north, that may hereafter be made, shall be the division line, dividing the City into east and west sections, and the parts of each street intersecting Commercial Street or that part of Arizona Avenue north from its connection with Commercial Street shall be designated as east or west of the division line according as such parts of the intersecting street shall be east or west of the division line. All houses and buildings on streets intersecting Main Street shall be numbered north or south from Main Street, and all houses and buildings on streets intersecting Commercial Street and that part of Arizona Avenue north of its connection with Commercial Street shall be numbered east or west from the division streets. Houses and buildings fronting on streets that do not intersect Main Street or Commercial Street or such part of Arizona Avenue shall be numbered, as nearly as possible, in conformity with the manner and system of numbering hereby prescribed. One hundred (100) numbers shall be assigned for each block east or west and north or south from the division streets, being fifty (50) numbers to each side of the street. Blocks approximately double the ordinary frontage shall be given two hundred (200) numbers, and across all tracts of land intervening between portions laid out into blocks, the lines of streets shall be considered to cross the same in regular continuation of streets in blocks adjoining. Numbering shall begin with "100" in the first (1st) blocks north or south and east or west of the division lines. The even numbers shall be on the south and east sides and the odd numbers on the north and west sides of the streets. (Code 1958, Sec. 25-25.)

Section 17-22. Allotment of numbers.

While one hundred (100) numbers are allotted to each block from the division streets, the division numbers to the frontage thereof shall be one (1) number to each twelve and one half feet (12 ½') in the business districts and one (1) number to each twenty five feet (25') in the residence sections of the City, or such other aliquot part of a lot frontage as shall, in the judgment of the City Engineer, be deemed most advisable, it being intended hereby to preserve as nearly as possible a general uniformity in numbering throughout the City. (Code 1958, Sec. 25-26.)

Section 17-23. Street maps with numbers to be prepared.

The City Engineer shall cause to be prepared from time to time, when required by City Council,

maps of the several streets of the City, showing the numbers of all houses. Where the number of any house shall hereafter be changed, by action of the City Council, the same shall be changed and numbered on said plats or maps as directed. (Code 1958, Sec. 25-27.)

Section 17-24. Assigning numbers; certificate of designation.

The City Engineer shall assign to each house its proper number or numbers and upon application shall deliver free of charge, to the owner or occupant thereof, a certificate designating the proper number or numbers of such house. (Code 1958, Sec. 25-28.)

Section 17-25. Size and location of configuration.

Each of the figures of every number shall be not less than two (2") inches in length, being so marked as to be distinctly and easily read. Such numbers shall be placed in a conspicuous place on or above the front door of the building to which they are attached. (Code 1958, Sec. 25-29.)

Section 17-26. Refusal to place numbers on existing buildings.

It shall be unlawful for any owner or occupant of any building now erected, after having been notified by the City that the house numbers are on record in the City office, to neglect or refuse for thirty (30) days thereafter to number such building in conformity with the provisions of this Article. (Code 1958, Sec. 25-30.)

Section 17-27. Refusal to place, or placing unauthorized, numbers on new buildings.

It shall be unlawful for any owner or occupant of any building hereafter erected to fail, neglect or refuse for thirty (30) days after it shall have been erected to number such building according to the provisions of this Article, or to number such building without first having obtained from the City a certificate designating the proper number. (Code 1958, Sec. 25-31.)

Section 17-28. Altering numbers or street names - Consent required.

Whenever any street shall be named, numbered or renamed or re-numbered in pursuance of this Article or any ordinance that may hereafter pass, such names or numbers shall not be changed or altered without the consent of the City Council. (Code 1958, Sec. 25-32.)

ARTICLE 3. EXCAVATIONS.⁶

Section 17-29. Excavation permit required; contents of application.⁷

(1) It is unlawful for any person other than authorized City of Trinidad employees and those under

⁶ Article 3 of Chapter 17 of the Code of Ordinances of the City of Trinidad, Colorado is Repealed and Reenacted.(Ord. 1516, 8-26-1995)

⁷ 17-29 Repealed and Reenacted (Ord. 1516, 8-26-1995, 17-29 §'s 1 and 2)

specific written contract with the City, to dig up, break, excavate, tunnel, drill, bore, undermine, or in any manner break up any Right Of Way (ROW) or to make or cause to be made any excavation in or under the surface of any ROW, or to place, deposit, or leave upon any ROW any earth or excavated material obstructing or tending to interfere with the free use of the ROW unless such person shall first have obtained an excavation permit therefore from the Public Works Department.

(2) In the event of any emergency in which a utility line in or under any ROW breaks, bursts, or otherwise is in such condition as to immediately endanger the property, life, health, or safety of any individual, the person owning or controlling such utility line, without first applying for and obtaining an excavation permit under this regulation, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. Such person shall apply for an excavation permit not later than the end of the next business day and shall not proceed with permanent repairs without first obtaining an excavation permit under this regulation. The normal excavation permit fees shall apply to any such emergency work.

(3) No excavation permit shall be issued unless a written application for the issuance of an excavation permit is submitted to the Public Works Department at least two business days prior to the anticipated time of the excavation work. The written application shall include the following:

- (a) Applicant's name
- (b) Applicant's address
- (c) Application date
- (d) Location of the excavation
- (e) Purpose of the excavation
- (f) Date of commencement of the excavation
- (g) Date of completion of the excavation
- (h) Proposed size of the excavation cut in square yards
- (i) Contractor's license number (if applicable)

(4) The application shall be accompanied by a plan showing the location and extent of the proposed excavation and a traffic control plan for the work area.

(5) The application shall be accompanied with proper fees. The Application and Inspection Fee shall be \$1.00 per square foot of excavation with a minimum fee of \$20.00. Any person doing any excavation work without a permit under other than emergency repairs of utility lines that endanger the property, life, health, or safety of any individual shall be charged double the normal fees.

(6) Any applicant shall be responsible for providing traffic control in accordance with the Manual on Uniform Traffic Control Devices. A traffic control plan shall be provided with the excavation permit application. It shall be the responsibility of the applicant to provide all necessary traffic control devices per the traffic control plan and to assure the safety of the public. (Ord. 1516, 8-26-1995)

Section 17-30. Excavation permit; conditions of issuance.⁸

(1) Following approval of the application and payment of all fees the Public Works Department shall issue a permit to the applicant for the work described in the application. All excavation work shall comply with all standards for construction, traffic control standards, and safety regulations as have been adopted by the City to restore the surface to its original condition, prevent subsidence and collapse, restore deterioration and otherwise protect the integrity of the ROW, and to protect the public from hazards created by such excavation work.

(2) No permit shall be issued to any person who, in the opinion of the Public Works Department, is not qualified to perform the work in accordance with these regulations. Any person who is denied a permit may appeal such denial to the City Manager within ten business days of such denial.

(3) The excavation permit will expire three months after the proposed completion date. One three month extension may be requested prior to the expiration of the original permit. The application and inspection fee is non-refundable. (Ord. 1516, 8-26-1995)

Section 17-31. Excavation permit; work requirements.⁹

(1) The permittee shall obtain utility locations from all utility companies prior to commencing the excavation work.

(2) A permit issued under these regulations shall at all times be in the possession of a competent person actually on the site representing the applicant.

(3) The Public Works Director may suspend or revoke any permit for:

(a) Violation of any condition of the permit, any provision of this regulation, or any other applicable law.

(b) The existence of any condition or the doing of any act endangering life or property.

(4) A stop work order may be issued by the Public Works Director to any person doing or causing any work to be done in the public right of way without a permit or in violation of any provision of this regulation. Stop work orders shall be effective immediately. It is unlawful for any person to continue work for which a stop work order has been issued.

(5) Protection of utilities. Every permittee making an excavation in or under any street, sidewalk or right of way shall, at his expense, sustain, secure and protect any pipes, poles, mains, cables, utilities or conduits laid or erected in the ROW from injury and replace and compact the earth wherever the same shall have been removed, loosened or disturbed, under or around them, so that they shall be well and substantially supported. If any permittee fails to sustain, secure or protect such pipes, poles, mains, cables, utilities or conduits from injury or to replace and compact the earth under or around

⁸ 17-30 Repealed and Reenacted (Ord. 1516, 8-26-1995 , §'s 1 and 2)

⁹ 17-31 Repealed and Reenacted (Ord. 1516, 8-26-1995, §'s 1, 2 and 3)

them, as the provisions of this section require, then the same may be done by the entity to whom the same may belong and the cost thereof and all damages sustained by such entity thereby shall be paid by such permittee and in default thereof, such entity may maintain an action against him therefor.

(6) Excavation backfill. The permittee shall backfill the excavation in accordance with one of the two following methodologies as set forth below:

(a) METHOD A

(I) Backfill below the top two (2) feet shall be compacted to 90% of its maximum Modified Proctor density (ASTM D 1557). Backfill material shall be clean dry material free from muck, frozen lumps, vegetative matter or rubbish. All fill shall be placed in uniform and relatively level layers not to exceed eight inches prior to compaction.

(II) The top two (2) feet shall be backfilled with well graded aggregate with a maximum size of one inch material and shall be compacted to 95% of its maximum Modified Proctor density (ASTM D 1557). The fill shall be placed and compacted at a moisture content within $\pm 2\%$ of its optimum moisture. All fill shall be placed in uniform and relatively level layers not to exceed eight inches prior to compaction.

(III) The City may perform compaction density tests on any excavation. Any backfill not meeting the compaction requirements will be removed by the permittee and recompacted as necessary to meet the requirements.

(b) METHOD B

(I) Backfilling shall be accomplished via the use of flowable fill. Flowable fill is a self-leveling flowable, lean concrete mix which can be placed in one or more lifts with no tamping required. The 28 day compressive strength shall be less than 60 psi to ensure the backfill can be easily re-excavated to facilitate future repairs, but shall be greater than 40 psi to ensure stability of the trench.

(II) The flowable fill mix design shall be as determined by the City of Trinidad Engineering Department based upon the availability of materials and shall consist of water, portland cement, fine and coarse aggregates. Flowable fill shall be mixed in accordance with ASTM Standard Specifications for Ready Mix Concrete. The flowable fill shall be thoroughly mixed prior to discharging to ensure a uniform product and shall be discharged as close as practical to its final location to reduce segregation. Use of a spud vibrator is recommended to improve the consolidation of the flowable fill mix.

(III) Use of flowable fill eliminates the need for any compaction of the backfill. The maximum layer thickness shall be four feet. Additional layers shall not be placed until the flowable fill can be walked on without indenting more than two inches.

(7) Pavement repair.

(a) On asphalt paved streets, the contractor shall place hot bituminous pavement to the depth of the existing street surface or a minimum of three (3) inches, whichever is greater.

(b) On bricked streets, the contractor shall reconstruct the excavated portion of the street by means of the following procedure: A two inch thick asphalt base shall be placed on the compacted subbase. This is covered with a one inch layer of sand on which the bricks are laid tight. The top surface of the bricks is covered with sand which is broomed into the cracks around the bricks. A small vibratory compactor is used to settle the sand down into the cracks to provide a tight fit.

(c) Any excavations done during periods that hot bituminous pavement is not available shall be temporarily patched with cold bituminous asphalt. Within a one-year period of time all temporary patches shall be made permanent by the permittee. The warranty period will not begin until the permanent patch has been made.

(d) ¹⁰If the applicant desires the City of Trinidad Street and Bridge Department to make the street patch, said applicant shall pay for the necessary repairs at the following rates: (Ord. 1585, eff., 5-2-98)

Asphalt Patch - \$40.00 per square yard

Brick Patch - \$85.00 per square yard

Concrete Patch - The City of Trinidad is not capable of performing concrete patch work. Any such work required and requested of the City shall be contracted out and the applicant shall be assessed the City's cost plus 10%. (Ord. 1585, eff., 5-2-98)

Traffic Control - The applicant shall be charged a minimum of \$50.00 for the setup and removal of traffic control devices at each excavation patch location. Major excavation patches will be assessed for the traffic control for the actual time and material costs incurred. (Ord. 1585, eff., 5-2-98)

¹⁰ Chapter 17, Article 3, Section 17-31(d) is repealed and reenacted. (Ord. 1585, eff., 5-2-98, 12-4-98)

Section 17-32 Excavation permit; indemnification.¹¹

The permittee shall indemnify and hold the City of Trinidad harmless and free from liability on account of any injury or damage to persons or property resulting from or related to the permittee's exercise of any rights under an excavation permit from the City of Trinidad. Such duty of indemnification shall include, but shall not be limited to, the City's reasonable attorney's fees and costs in defending any claims brought against it as a result of the permittee's acts or omissions taken with respect to or as a result of an excavation permit issued by the City of Trinidad. In the event a claim is brought either jointly or independently against the City as a result of acts or omissions of permittee covered under this duty of indemnification, the City, in its sole and conclusive discretion, may permit defense of it by permittee or the City may separately defend, without limiting or reducing the permittee's duty of indemnification hereunder.

Section 17-33. Excavation permit; warranty.¹²

Any patching, backfill compaction, or other work done as part of the excavation shall be warranted by the applicant against all defects for a period of twenty-four (24) months from the completion of such work. Any settlement of the surface within such twenty-four (24) month period shall be deemed conclusively to have resulted from improper construction techniques or defective compaction by the applicant. Nothing contained in these regulations shall be construed to require the applicant to maintain any repairs to pavement made by the City of Trinidad Street and Bridge Department if such repairs should prove to have been defective. If any repairs are required to the excavation area (due to improper construction techniques or defective compaction) during the warranty period, the applicant shall be billed for said repairs if they are performed by City forces.

Sections: **17-34 and 17-35¹³**

ARTICLE 4. SIDEWALK CONSTRUCTION.

Section 17-36. Maximum and minimum widths of sidewalks.

All sidewalks shall be not less than five feet (5') and not more than twelve feet (12') in width, unless otherwise ordered by the City Council, measured from the front line of the lots upon each street at right angles with such line toward the center of the street. (Code 1958, Sec. 25-43.)

Section 17-37. Sidewalks to conform to established grade; supervision of laying.

All sidewalks shall be laid to the established grade of the City, which shall be shown or designated by the City Engineer free of charge to the owner of the abutting property, which grade shall be established by ordinance, or proper survey adopted by the City Council. If the sidewalks are not so

¹¹ 17-32 Repealed and Reenacted. (Ord. 1516, 8-26-1995, § 1)

¹² 17-33 Repealed and Reenacted. (Ord. 1516, 8-26-1995, § 1)

¹³ 17-34 and 17-35 Repealed. (Ord. 1516, 8-26-1995)

laid upon the grades so designated, the City Council may direct them to be rebuilt or repaired as hereinafter provided; and each sidewalk shall be laid under the direction and supervision of the City Engineer. (Ord. 1200, Sec. 1, 4/21/81.)

Section 17-38. Slope.

All sidewalks shall be constructed with a dip or incline and with the same uniform grade or slope along the streets as the streets themselves. Whenever the streets have a grade other than longitudinal, there shall be no steps or setoffs upon the sidewalk other than that deemed necessary by the City Council. (Code 1958, Sec. 25-45.)

Section 17-39. Sidewalk construction - Permit required.

No person shall begin the construction of any sidewalks without having first obtained a permit from the City Engineer. (Code 1958, Sec. 25-46.)

Section 17-40. Application for permit.

The City Engineer shall designate the grade upon which the sidewalk shall be built; and shall issue a permit and instructions thereof, whenever application is made in due form upon printed blanks to be provided by the City, setting forth specifically the location and nature of the walk to be constructed. (Code 1958, Sec. 25-47.)

Section 17-41. Sidewalk openings for fuel and light to be covered.

All openings for the admission of fuel and light in sidewalks shall be securely covered with iron or iron and glass covers. (Code 1958, Sec. 25-48.)

Section 17-42. Access to basement to be covered.

The owner or occupant of any building used for business purposes may construct and maintain, so long as the building shall be used for such purposes, upon the sidewalk in front of such building or upon any public alley at the side thereof, an opening for the purpose of affording ingress to and egress from the basement of such building; provided, however, no such opening shall be allowed unless it be constructed entirely within the lines of the lot upon which the building shall stand; and, provided further, every such opening shall be provided with a substantial cover or grating of iron, or shall be protected by a substantial and safe railing of iron to be approved by the City Engineer. (Code 1958, Sec. 25-49.)

Section 17-43. Curb, gutter and/or sidewalk requirements - New construction.

Whenever any new building or structure is constructed or erected, and no sidewalk, curb and/or gutter exists in front of or along the property where such construction is taking place or the existing sidewalk, curb and/or gutter does not extend the full length of the property, that abuts an existing street right-of way, the City's Engineering Department shall order the property owner to construct such sidewalk, curb and/or gutter or portion thereof. The Engineering Department may waive such

requirement upon good cause shown. Should the property owner fail or refuse to comply with the order to construct sidewalk, curb and/or gutter, or should the property owner wish to appeal the order of the Engineering Department, either the City or the property owner may request a hearing before City Council. Conduct of the hearing, and action taken pursuant to the hearing shall be in accordance with Sections 17-44 through 17-50 of this Code. The City Council shall order the construction of such sidewalk, curb and/or gutter unless good cause be shown. No certificate of occupancy with respect to the new building or structure shall be issued until the sidewalk, curb and/or gutter has been constructed or the construction requirement has been waived by the City. Any waiver granted pursuant to this Section shall not be permanent, and shall not prevent the City Council from ordering the construction of curb, gutter and/or sidewalk at such location at a later date. (Ord. 1453, 08/03/93.)

Section 17-44. Hearing to consider construction of sidewalk, curb and/or gutter.

Upon the request of the City Manager or upon its own motion, City Council may conduct a hearing to determine whether to order any sidewalk, curb and/or gutter or portion thereof, to be constructed by the adjacent or abutting property owner. Written notice of such hearing shall be served upon the adjacent or abutting property owner by either first class mail to the last known address of such property owner, or by delivering a copy thereof to the owner or his/her agent, or by leaving a copy thereof at the owner's usual place of abode with any member of the owner's family over the age of eighteen (18) years, at least five (5) days prior to the date of the hearing. At the hearing, the adjacent or abutting owner(s) shall have the right to be heard on the question of whether the sidewalk, curb and/or gutter or portion thereof shall be constructed or repaired. (Ord. 1453, 08/03/93.)

Section 17-45. Order to construct curb, gutter and/or sidewalk.

If following the hearing the City Council determines that it is necessary that any sidewalk, curb and/or gutter, or portion thereof, be constructed, it shall on its own motion, order the same to be done by the adjacent or abutting property owner. A written notice of said order shall be served on the adjacent or abutting property owner in the manner set forth in Section 17-46. Such notice shall direct the property owner to construct the sidewalk, curb and/or gutter within a period of time not less than fifteen (15) days from the date of service of the notice, and shall further advise the property owner that if the same is not constructed by the owner within the time specified, the City may construct or repair the same, and assess the costs thereof against the property owner. (Ord. 1453, 08/03/93.)

Section 17-46. Failure of owner to construct.

Whenever any sidewalk, curb and/or gutter shall be ordered by the City Council to be constructed, and the abutting or adjacent property owner fails to do so within the time specified in the notice to construct, such work may be done by City forces or by an independent contractor retained by the City for such purpose. (Ord. 1453, 08/03/93.)

Section 17-47. Assessment of cost against property owner.

Upon the completion of construction of sidewalk, curb and/or gutter by City forces or by independent contractors employed by the City for such purposes, the costs thereof shall be assessed

against the abutting or adjacent property owner or owners. The assessment shall be the actual costs of labor, equipment or the contract price of an independent contractor plus five percent of said costs for inspection and other incidental costs in connection therewith. (Ord. 1453, 08/03/93.)

Section 17-48. Notice of assessment.

The City Clerk, as soon as practicable after such charge has accrued, shall send by first class mail, addressed to the owner of such abutting or adjacent property at the last known post office address of such owner, a notice of such assessment, which notice shall contain a description of such abutting or adjacent property, the name of the owner or owners of such property, the amount of the assessment, a statement advising that the owner may protest the amount of the assessment in writing to the City Clerk within ten (10) days of the mailing of the Notice, and a statement that the assessment must be paid within thirty (30) days of the mailing of notice unless a timely written protest has been filed with the City Clerk. (Ord. 1453, 08/03/93.)

Section 17-49. Protest of assessment.

Upon receipt of the written protest of assessment, the City Clerk shall refer the protest to the City Council, which shall schedule a hearing on the protest. The property owner shall be notified in writing of the date and time of the hearing. At the hearing, the property owner shall have the right to be heard before the Council as to the justness and correctness of the amount of the assessment. (Ord. 1453, 08/03/93.)

Section 17-50. Failure of owner to pay assessment.

If the property owner shall fail to pay the assessment within thirty (30) days of the mailing of the notice, or the date by which City Council has ordered payment to be made in full or any installment payment, the City Clerk shall certify the assessment to the County Treasurer, to be collected in the same manner as other taxes assessed upon said property. The assessment shall be a lien against such lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments. (Ord. 1453, 08/03/93.)

Section 17-51. Curbs and gutters - Materials.

All curbs and gutters, or curbs and gutters combined, shall be laid, constructed, rebuilt or repaired of concrete, in accordance with the requirements of the City ordinances and the specifications promulgated by the City Engineer. Said specifications shall be maintained in the Office of the City Engineer. (Ord. 1200, 04/21/81.)

Section 17-52. Curbs on curb lines; gutters to attach to curbs.

All curbs shall be built upon the established curb lines of the street and the elevation of such curb shall be determined and designated by the City Engineer. All gutters shall be laid and constructed upon the established grade of the street and shall abut or be attached to the outside of the curb. (Code 1958, Sec. 25-59.)

Section 17-53. Street lawns and parks to conform to grade.

The space between the sidewalks and the street curb shall be for street lawns and parks. All street lawns or parks shall be made so as to conform to the grade of that part of the street upon which they abut, and shall be kept by the owner of the premises free from holes, depressions, ridges or obstructions that are liable to cause injury. (Code 1958, Sec. 25-60.)

Section 17-54. Article not applicable in commercial districts; City's jurisdiction over parks.

Nothing in this Article shall in any manner be construed to conflict or interfere with the laying of sidewalks or paving in the business part of the City or with the jurisdiction of the City over the parks for the construction of any public or other improvement that the City may desire or authorize constructed over, upon or across such property. (Code 1958, Sec. 25-61.)

Section 17-55. Removal of grade or line stakes prohibited.

No grade or line stakes set by the City Engineer for the purposes of this Article shall be removed or otherwise disturbed except by order of the City Engineer or City Council. (Code 1958, Sec. 25-62.)

Section 17-56. Curb line and curb radius.

Curb lines of all residential streets and curb radii at intersections shall be determined in accordance with the State of Colorado Department of Highways, Roadway Design Manual, latest revised edition. (Ord. 1200, Sec. 4, 04/21/81.)

Section 17-57. Fund established to front costs of repair or replacement.

There is established a fund to front the cost of repair or replacement of existing sidewalk, curb and gutter. The City Council, in its discretion, shall determine when monies from such fund shall be used to front the cost of repair or replacement of sidewalk, curb and/or gutter. If the City Council directs the fronting of monies to pay such costs, the adjoining or abutting property owners may be required to reimburse the City for its costs. The City may enter into an agreement with the adjoining or abutting property owners allowing such property owners to reimburse the City in installment payments over a period of time. Any such agreement shall be approved by City Council. (Ord. 1453, 08/03/93.)

Section 17-58. Repair or replacement of curb, gutter and/or sidewalk.

(1) The City Council may in its discretion, order the repair or replacement of any sidewalk, curb and/or gutter pursuant to the procedures set forth in Sections 17-44 and 17-45 of the Code of Ordinances.

(2) If the adjoining or abutting property owners fail to comply with the order to repair or reconstruct sidewalk, curb and gutter, the City Council may order that such work be done by City forces or by independent contractor pursuant to the procedures set forth in Section 17-46, and assess costs for

such work in accordance with the procedures set forth in Section 17-47 through 17-50. The City may be reimbursed for expenses pursuant to an agreement with the adjoining or abutting property owners, as set forth in Section 17-57. (Ord. 1453, 08/03/93.)

ARTICLE 5. CULVERTS.

Section 17-59. When construction of culvert required.

Whenever the owner or tenant of any property shall, in order to gain access from a public street to his/her property, fill in or cause to be filled in any ditch or gutter, lying between such street and such property, used for street drainage purposes, or shall, in order to gain access, place earth, sand, gravel or any other substance in such ditch or gutter, whereby the flow of water may be obstructed, the City Council, upon report of such condition by the Superintendent of Streets may, by resolution, order the owner of the property to place or construct in such ditch or gutter, at the point of access from the street to such property, a suitable culvert, which shall be in accordance with specifications to be prepared by the City Engineer, and which when in place shall be capable of carrying the full capacity of such ditch and at the same time permit a ready ingress to and egress from such property. The City Engineer shall, upon order of the Council, prepare specifications for the type of culvert best suited for the case in question. (Code 1958, Sec. 25-74.)

Section 17-60. Notice to owner to construct culvert.

Upon the entry of an order by the Council, the Superintendent of Streets shall forthwith cause to be served on the property owner a written notice of such order requiring the installation of such culvert within fifteen (15) days from the date of service, which service shall be accomplished by delivering a copy of said notice to such owner, or his/her agent, or by leaving a copy thereof at the usual place of abode of such owner with any member of his/her family over the age of eighteen (18) years. In case such owner be a nonresident, and have no resident agent, service shall be made by mailing said notice addressed to such owner at the latest address of such owner contained on the general tax assessment roll in the office of the Treasurer of Las Animas County. (Code 1958, Sec. 25-75.)

Section 17-61. Failure of owner to construct; construction by City; certification to City Clerk.

Upon failure or refusal of the property owner to construct such culvert within the time specified, it shall be constructed under the direction of the Superintendent of Streets and Bridges, who, upon completion of work shall certify in writing to the City Clerk the cost of such culvert, together with a description of the real estate served by it and the name of the owner of such real estate. (Code 1958, Sec. 25-79.)

Section 17-62. Notice to owner of cost; assessment and hearing.

The Clerk shall, by registered mail, return receipt requested, notify the owner of the property to be assessed that the culvert has been constructed, the cost thereof, and that any complaints or objections which may be made in writing by such owner to the City Council shall be filed in the office of the

Clerk within fifteen (15) days from the date of such notice and will be heard and determined by the Council before the passage of a resolution assessing the cost of such culvert; and the date when and place where such complaints and objections will be heard. (Code 1958, Sec. 25-77.)

Section 17-63. Hearing on assessments; penalty; collection.

At the time specified in the notice, or, at some adjourned time, the Council shall hear and determine all such complaints and objections, and shall thereupon, by resolution, assess the cost of the culvert, together with all costs and expenses of these proceedings, on the property it serves. The amount so assessed shall from the date of such assessment constitute a lien against the real estate of such owner, and unless the same be paid within ten (10) days after such assessment, it shall, together with ten percent (10%) penalty, be certified by the City Clerk to the County Treasurer in the same manner as special improvement taxes are certified to such officer, to be collected according to law. (Code 1958, Sec. 25-78.)

Section 17-64. Driveway - Culvert Fund.

There is created the driveway - culvert fund to be composed of money paid in under the provisions of this Article, warrants in payment of culvert construction costs shall be drawn on and payable out of this fund; provided, however, when there shall be insufficient moneys in said fund to meet a payment, such deficit may be met from the street and bridge fund which shall thereafter be reimbursed from such driveway - culvert fund. (Code 1958, Sec. 25-79.)

ARTICLE 6. CLOSURE OF CITY STREETS FOR ATHLETIC OR SPECIAL EVENTS.

Section 17-65. Closure of City streets for athletic or special event.

- (1) (a) City streets or designated portions of City streets may be partially or completely closed for the purpose of conducting athletic or special events thereon or for the purpose of ensuring the safe and efficient movement of traffic to and from or around an athletic event or special event which is in such proximity to a City street that the event or any traffic attendant thereto will have a significant effect on the normal traffic flow.

(b) When the term "close" or "closure" is used in this Section, it shall be deemed to include the partial closure of any land or other portion of a City street or the restriction or regulation of traffic on the City street by the Trinidad Police Department.

(c) The City Manager has the authority to close a City street or portion thereof for the purposes of paragraph (a) of this subsection (1), when an athletic or special event is proposed to be held on such street or when a proposed event may cause a significant disruption to the normal flow of traffic on a City street.

(d) The City Manager shall not approve an event which the City does not have sufficient resources to properly manage in the manner consistent with the preservation of the public peace, health and safety.
- (2) A closure by the City Manager may be authorized only if:

 - (a) A written application therefor is submitted to the City Manager at least fifteen (15) days prior to the date of the proposed closure, containing such information as the City Manager deems necessary, and the application is approved by the City Manager.
 - (b) If in the opinion of the City Manager, liability coverage by the applicant is necessary in order to protect the public peace, health and safety, the applicant shall pay for and provide evidence of liability coverage in amounts deemed adequate by the City Manager to protect the City from any injuries or damages which may arise out of the closure of the City's assistance in ensuring the safe conduct of the closure.
 - (c) The closure is implemented in a manner that will cause the least inconvenience to the driving public consistent with the requirements of the athletic or special event and the event can be conducted in a manner consistent with the preservation of the public peace, health and safety.
- (3) If the City Manager approves the application, a permit shall be issued to the applicant authorizing the closure as requested by the applicant or as modified by the City.
- (4) No liability shall attach to the City of Trinidad for any injuries or damages which are caused

solely by the use of a City street for an athletic or special event when such event has not been approved by the City Manager. (Ord. 1396, 6/04/91.)

Section 17-66. Penalty for failure to obtain permit or to comply with terms of permit.

Any person who conducts an athletic or special event on a City street when a permit for said event has not been issued or any person who violates the terms of a permit which has been issued for an athletic or special event, commits a misdemeanor and is subject to a fine of up to Three Hundred Dollars (\$300.00) or imprisonment of up to ninety (90) days, or both. (Ord. 1306, 6/04/91.)

ARTICLE 7. VACATION PROCEEDINGS.

Section 17-67. Vacation fee.

Any person or persons making application for vacation of a City street or other City right-of-way shall be required to pay an application fee of Four Hundred Dollars (\$400.00) to the City at the time application is made. Of the fee, Two Hundred Dollars (\$200.00) shall be a non-refundable payment for reimbursement of the City's administrative costs. The remaining Two Hundred Dollars (\$200.00) shall be applied toward the City's publication costs incurred in connection with the application. If the publication costs are less than Two Hundred Dollars (\$200.00), the difference shall be refunded to the applicant. If the publication costs exceed Two Hundred Dollars (\$200.00), the applicant shall be required to make additional payment to the City equal to the amount by which publication costs exceed Two Hundred Dollars (\$200.00). The requirement to pay all costs due under this Section shall not be affected by the denial of any application. (Ord. 1604, eff., 4/17/99)

Section 17-68. Vacation Application.

Any application for vacation of a City street or other City right-of-way shall be made to the person designated by the City Manager to receive such applications on application forms provided by the City. Such City Manager designee shall circulate the vacation application among City department heads for their review and comment. Following completion of review and comment by department heads, the vacation application shall be referred to the City's Planning, Zoning and Variance Commission for its review and recommendation. (Ord. 1607, eff., 5/15/99)

Section 17-69. Procedure before Planning, Zoning and Variance Commission.

The Planning, Zoning and Variance Commission shall consider the application for vacation at a regular or special meeting. The City shall give written notice to the applicant and persons who reside or own real property within one block of the City street or other right-of-way requested to be vacated. At the proceeding at which the application is considered by the Commission, the applicant and those favoring or opposing the application shall be given an opportunity to be heard. After the applicant and other interested parties have been heard, the commission shall make its recommendation as to whether the application should be approved. In making its recommendation, the Commission shall consider only the application as submitted to the City or as amended by the

Applicant. The Commission shall not consider any proposals for land trades or sale of the property proposed to be vacated, in lieu of a vacation. (Ord. 1607, eff., 5/15/99)

Section 17-70. Procedure before City Council.

After the Planning, Zoning and Variance Commission has reviewed the vacation application and made its recommendation, the application shall be referred to the City Council for its decision. The decision as to whether to vacate any City street or other right-of-way shall lie with the City Council. The City Council shall have full discretion as to whether grant or deny a vacation request, except that no vacation shall be approved unless it meets State statutory requirements. The vacation of any City street or other right-of-way shall be by ordinance. (Ord. 1607, eff., 5/15/99)